

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FINJAN LLC,

Plaintiff,

V.

TRUSTWAVE HOLDINGS, INC., and
SINGAPORE TELECOMMUNICATIONS
LIMITED,

Defendants.

C.A. No. 20-371-LPS

JOINT CLAIM CONSTRUCTION CHART

Karen E. Keller (No. 4489)
Jeff Castellano (No. 4837)
SHAW KELLER LLP
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
kkeller@shawkeller.com
jcastellano@shawkeller.com
Attorneys for Plaintiff

Jack B. Blumenfeld (No. 1014)
Alexandra M. Cumings (No. 6146)
MORRIS, NICHOLS, ARSHT & TUNNELL LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@morrisnichols.com
acumings@morrisnichols.com
Attorneys for Defendants

Dated: January 6, 2022

TABLE OF EXHIBITS

Exhibit	Description	Pages
A	U.S. Patent No. 8,141,154 ('154 Patent)	A001-A016
B	June 28, 2011 Non-Final Rejection	A017-A025
C	October 5, 2011 Amendment and Response to Office Action	A026-A054
D	November 2, 2011 Notice of Allowability	A055-A063
E	December 22, 2011 Notice of Allowability	A064-A068
F	IPR2016-00151 Paper 22 – Response	A069-A146
G	IPR2016-00151 Paper 49 – Record of Oral Hearing	A147-A224
H	IPR2016-00151 Paper 51 - FWD	A225-A250
I	IPR2016-00151 Paper 60 – Record of Oral Hearing	A251-A341
J	IPR2016-00151 Paper 62 - FWD	A342-A411
K	IPR2016-00151 Exhibit 2035 – Medvidovic Del	A412-A460
L	Finjan, Inc. v. Juniper Networks, Inc., 387 F. Supp. 3d 1004 (N.D. Cal. 2019)	A461-A475
M	Finjan, Inc. v. Juniper Networks, Inc., 825 F. App'x 922 (Fed. Cir. 2020)	A476-A477

AGREED CONSTRUCTIONS

No.	Asserted Claim	Terms for Construction	Agreed Construction
1	Claims 1, 4, 6, 10	“a call to a first function”	“a statement or instruction in the content, the execution of which causes the function to provide a service”

DISPUTED CONSTRUCTIONS

No.	Asserted Claim	Terms for Construction	Plaintiff's Proposed Constructions and Supporting Intrinsic Evidence	Defendant's Proposed Constructions and Supporting Intrinsic Evidence
1	Claims 1,4, 6-7, 10	“content processor” / “process content”	<p>No construction necessary: plain and ordinary meaning</p> <p>Intrinsic Evidence: ’154 Patent at:</p> <p>Abstract; Figs. 1-5; Claims 1-12; Col. 2, ll. 24-27, 64-67; Col. 3, ll. 1-67; Col. 4, ll. 1-8, 15-26, 35-60; Col. 5, ll. 3-67; Col. 6, ll. 1-67; Col. 7, ll. 1-65; Col. 8, ll. 38-67; Col. 9, ll. 1-67; Col. 10, ll. 1-67; Col. 11, ll. 1-67; Col. 12, ll. 7-67; Col. 13, ll. 1-67; Col. 14, ll. 1-67; Col. 15, ll. 1-67; Col. 16, ll. 1-67; Col. 17, ll. 1-29; Tables I, II, and III.</p> <p>’154 Patent File History, including: June 28, 2011 Non-Final Rejection; October 5, 2011 Amendment and Response to Office Action; and</p>	<p>“a processor that processes modified content on a client/user computer”</p> <p>Intrinsic Evidence:</p> <p>’154 Patent at 2:64-67; 3:3-30; 4:15-26; 4:35-54; 5:4-25; 5:26-52; 7:20-31; 9:6-12; 10:60-66; 11:28-34; 11:55-58; 12:7-23; 12:60-13:1; 13:63-14:16; 15:33-37; 15:52-64; 17:16-21; Claims 1-3, 6-8; Figures 1-5; Abstract.</p> <p>’154 Patent File History at IPR2015-01979, Paper No. 62 at p. 5-16, 40-53; Paper No. 22 at p. 5-7, 21-23, 24-34, 36-39.</p> <p>’154 Patent File History, Amendment and Response to Office Action dated October 5, 2011 at pp. 18-24.</p> <p>’154 Patent File History, Notice of Allowability dated November 2, 2011 at p. 4.</p> <p>’154 Patent File History, Notice of Allowability dated December 22, 2011 at p. 4.</p> <p>The Federal Circuit’s affirmance of this construction is binding in this action.</p>

No.	Asserted Claim	Terms for Construction	Plaintiff's Proposed Constructions and Supporting Intrinsic Evidence	Defendant's Proposed Constructions and Supporting Intrinsic Evidence
			December 22, 2011 Notice of Allowance.	<i>Finjan, Inc. v. Juniper Networks, Inc.</i> , 387 F. Supp. 3d 1004 (N.D. Cal. 2019), <i>aff'd</i> 825 F. App'x 922 (Fed. Cir. 2020).
2	Claims 1, 4, 6, 10	“first function”	<p>No construction necessary: plain and ordinary meaning</p> <p>Intrinsic Evidence:</p> <p>'154 Patent: Abstract; Figs. 1–5; Claims 1-12; Col. 3, ll. 31-67; Col. 4, ll. 35-60; Col. 5, ll. 4-67; Col. 6, ll. 1-67; Col. 7, ll. 1-43; Col. 9, ll. 1-67; Col. 10, ll. 1-67; Col. 11, ll. 1-67; Col. 12, 1-67; Col. 13, ll. 1-18, 29-67; Col. 14, ll. 1-67; Col. 15, ll. 1-7, 38-43, 48-64; Col. 16, ll. 3-67; Col. 17, ll. 1-; Tables I, II, and III.</p> <p>'154 Patent File History, including: June 28, 2011 Non-Final Rejection; October 5, 2011 Amendment and Response to Office Action; and</p>	<p>“substitute function”</p> <p>Intrinsic Evidence:</p> <p>'154 Patent at Abstract; 4:55-60; 5:4-52; 6:4-65; 9:6-11:4; 11:11-16; 11:41-46; 11:50-12:20; 13:29-36; 13:47-14:47; 14:61-15:7; 15:38-43; 15:48-64; 16:3-67; Figs. 2, 3, 4, 5; Table I, Table II, Table III.</p> <p>'154 Patent File History at IPR2016-00151, Record of Oral Hearing (Paper No. 49), at 34:14-35:15; 59:2-20; 60:14-61:18; 63:2-16; 64:5-65:11; IPR2015-01979, Record of Oral Hearing (Paper No. 60), at 61:12-18; 67:17-23; 68:23-69:2; 71:16-23; IPR2015-01979, Final Written Decision (Paper No. 62), at pp. 6-10, 14-15; IPR2016-00151, Final Written Decision (Paper No. 51), at pp. 17-18; Medvidovic Declaration, Ex. 2035 in IPR2016-00151.</p> <p>'154 Patent File History, Amendment and Response to Office Action dated October 5, 2011 at pp. 18-24.</p> <p>'154 Patent File History, Notice of Allowability dated November 2, 2011 at p. 4.</p>

No.	Asserted Claim	Terms for Construction	Plaintiff's Proposed Constructions and Supporting Intrinsic Evidence	Defendant's Proposed Constructions and Supporting Intrinsic Evidence
			December 22, 2011 Notice of Allowance	<p>'154 Patent File History, Notice of Allowability dated December 22, 2011 at p. 4.</p> <p>The Federal Circuit's affirmance of this construction is binding in this action. <i>Finjan, Inc. v. Juniper Networks, Inc.</i>, 387 F. Supp. 3d 1004 (N.D. Cal. 2019), <i>aff'd</i> 825 F. App'x 922 (Fed. Cir. 2020).</p>
3	Claims 1, 4, 6, 10	"second function"	<p>No construction necessary: plain and ordinary meaning</p> <p>'154 Patent: Abstract; Figs. 1-5; Claims 1-12; Col. 3, ll. 31-67; Col. 4, ll. 35-60; Col. 5, ll. 4-67; Col. 6, ll. 1-67; Col. 7, ll. 1-43; Col. 9, ll. 3-67; Col. 10, ll. 1-67; Col. 11, ll. 1-67; Col. 12, ll. 1-67; Col. 13, ll. 1-18, 29-67; Col. 14, ll. 1-67; Col. 15, ll. 1-7, 38-43, 48-64; Col. 16, ll. 3-67; Col. 17, ll. 1-29; Tables I, II, and III.</p> <p>'154 Patent File History, including:</p>	<p>"original function, which is different than the first function"</p> <p>Intrinsic Evidence:</p> <p>'154 Patent at Abstract; 4:55-60; 5:4-52; 6:4-65; 9:6-11:4; 11:11-16; 11:41-46; 11:50-12:20; 13:29-36; 13:47-14:47; 14:61-15:7; 15:38-43; 15:48-64; 16:3-67; Figs. 2, 3, 4, 5; Table I, Table II, Table III.</p> <p>'154 Patent File History at IPR2016-00151, Record of Oral Hearing (Paper No. 49), at 34:14-35:15; 59:2-20; 60:14-61:18; 63:2-16; 64:5-65:11; IPR2015-01979, Record of Oral Hearing (Paper No. 60), at 61:12-18; 67:17-23; 68:23-69:2; 71:16-23; IPR2015-01979, Final Written Decision (Paper No. 62), at pp. 6-10, 14-15; IPR2016-00151, Final Written Decision (Paper No. 51), at pp. 17-18; Medvidovic Declaration, Ex. 2035 in IPR2016-00151.</p>

No.	Asserted Claim	Terms for Construction	Plaintiff's Proposed Constructions and Supporting Intrinsic Evidence	Defendant's Proposed Constructions and Supporting Intrinsic Evidence
			<p>June 28, 2011 Non-Final Rejection; October 5, 2011 Amendment and Response to Office Action; and December 22, 2011 Notice of Allowance.</p>	<p>'154 Patent File History, Amendment and Response to Office Action dated October 5, 2011 at pp. 18-24.</p> <p>'154 Patent File History, Notice of Allowability dated November 2, 2011 at p. 4.</p> <p>'154 Patent File History, Notice of Allowability dated December 22, 2011 at p. 4.</p>
4	Claims 1-2 and 6-7	"receiver"	<p>No construction necessary: plain and ordinary meaning</p> <p>Not indefinite.</p> <p>Intrinsic Evidence: '154 Patent at:</p> <p>Abstract; Figs. 1-5; Claims 1-12; Col. 2, ll. 54-67; Col. 3, ll. 1- 30; Col. 4, ll. 55-60; Col. 5, ll. 4-67; Col. 6, ll. 1-67; Col. 7, ll. 20-31, 51-65; Col. 8, ll. 41-60; Col. 10, ll. 15-67; Col. 11, ll. 41-67; Col. 12, ll. 1-67;</p>	<p>This term is governed by 35 U.S.C. 112 ¶ 6 but does not have a corresponding structure disclosed in the specification and is thus indefinite and lacks sufficient written description.</p> <p>If held not to be a means-plus-function term, then "a hardware component separate from the content processor and transmitter"</p> <p>Intrinsic Evidence:</p> <p>'154 Patent at 6:60-65, 8:54-60, 15:26-29; Claims 1-3, 6-8; Figures 1-5.</p>

No.	Asserted Claim	Terms for Construction	Plaintiff's Proposed Constructions and Supporting Intrinsic Evidence	Defendant's Proposed Constructions and Supporting Intrinsic Evidence
			Col. 15, ll. 14-64.	
5	Claims 1-3 and 6-7	"transmitter"	<p>No construction necessary: plain and ordinary meaning</p> <p>Not indefinite.</p> <p>Intrinsic Evidence: '154 Patent at:</p> <p>Abstract; Figs. 1-5; Claims 1-12; Col. 2, ll. 54-67; Col. 3, ll. 1-30; Col. 4, ll. 55-60; Col. 5, ll. 4-67; Col. 6, ll. 1-67; Col. 7, ll. 20-31, 51-65; Col. 8, ll. 41-60; Col. 10, ll. 15-67; Col. 11, ll. 41-67; Col. 12, ll. 1-67; Col. 15, ll. 14-64; Col. 17, ll. 8-29.</p>	<p>This term is governed by 35 U.S.C. 112 ¶ 6 but does not have a corresponding structure disclosed in the specification and is thus indefinite and lacks sufficient written description.</p> <p>If held not to be a means-plus-function term, then "a hardware component separate from the content processor and receiver"</p> <p>Intrinsic Evidence:</p> <p>'154 Patent at 6:60-65, 8:54-60, 15:26-29; Claims 1-3, 6-8; Figures 1-5.</p>
6	Claim 1, 4, 6, 10	"input variable" / "input"	<p>No construction necessary: plain and ordinary meaning</p> <p>Not indefinite.</p> <p>Intrinsic Evidence: '154 Patent at:</p>	Information processed by both the first function/substitute function and the second function/original function and distinct from the first function/substitute function and the second function/original function

No.	Asserted Claim	Terms for Construction	Plaintiff's Proposed Constructions and Supporting Intrinsic Evidence	Defendant's Proposed Constructions and Supporting Intrinsic Evidence
			Abstract; Figs. 1-5; Claims 1-12; Col. 3, ll. 31-67; Col. 4, ll. 2-8, 35-54; Col. 5, ll. 4-67; Col. 6, ll. 1-67; Col. 7, ll. 1-67; Col. 9, ll. 3-67; Col. 10, ll. 10-60; Col. 11, ll. 5-67; Col. 12, ll. 3-67; Col. 13, ll. 1-18; Col. 13, ll. 29-36; Col. 14, ll. 17-35; Col. 15, ll. 8-13; Col. 17, ll. 8-29.	Otherwise, Indefinite under 35 U.S.C. § 112, ¶ 2 Intrinsic Evidence '154 Patent at Abstract; Figures 2-5; 4:35-54, 5:4-7:65, 9:16-57, 10:4-14, 10:62-64, 11:5-10, 11:41-49, 11:63-12:24; 12:43-13:3.
7	Claims 1, 4	"invoke [a/the] second function with the input"	Not indefinite. Intrinsic Evidence '154 Patent at claims 1 and 4.	Indefinite under 35 U.S.C. § 112, ¶ 2 Intrinsic Evidence '154 Patent at claims 1 and 4.
8	Claims 6, 10	"calling a function with the input variable" / "calling a second function with the modified input variable"	Not indefinite. Intrinsic Evidence '154 Patent at claims 6 and 10.	Indefinite under 35 U.S.C. § 112, ¶ 2 Intrinsic Evidence '154 Patent at claims 6 and 10.

/s/ Jeff Castellano

Karen E. Keller (No. 4489)

Jeff Castellano (No. 4837)

SHAW KELLER LLP

I.M. Pei Building

1105 North Market Street, 12th Floor

Wilmington, DE 19801

(302) 298-0700

kkeller@shawkeller.com

jcastellano@shawkeller.com

Attorneys for Plaintiff

Dated: January 6, 2022

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (No. 1014)

Alexandra M. Cumings (No. 6146)

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

1201 North Market Street

P.O. Box 1347

Wilmington, DE 19899

(302) 658-9200

jblumenfeld@morrisnichols.com

acumings@morrisnichols.com

Attorneys for Defendants